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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

PETERSSON et al.

Atty. Ref.: **2380-592**

Serial No. **10/091,596**

Group: **2685**

Filed: **March 7, 2002**

Examiner: **Nguyen, T.**

For: **METHOD AND APPARATUS FOR ANALOG-
TO-DIGITAL CONVERSION**

October 4, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST TO WITHDRAW THE FINALITY
OF THE OFFICE ACTION AS PREMATURE**

Sir:

In response to the final Office Action dated September 25, 2006, Applicants respectfully request withdrawal of the finality of the office action as premature.

The Examiner has made a new ground of rejection of all pending claims based on previously-applied U.S. Patent 5,970,053 to Schick et al. in view of newly-applied U.S. Patent 5,739,691 to Hoenninger. In the first office action, the Examiner rejected all pending claims for anticipation based only the Schick patent. Claims 17-23 were not amended. Moreover, claim 24 was amended simply to incorporate the subject matter of original claim 27. Thus, the Examiner's contention that Applicants' amendment necessitated a new grounds of rejection is not correct.

The MPEP, at Section 706.07(a), states that "a second or any subsequent action on the merits in any application....will not be made final if it includes a rejection, or newly cited art, of any claim not amended by Applicant or patent owner in spite of the fact that other claims may

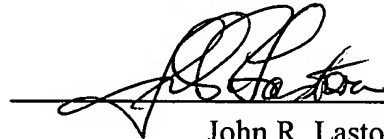
PETERSSON et al.
Serial No. 10/091,596

have been amended to require newly cited art.” The Examiner’s final rejection is contrary to this prohibition. Withdrawal of the finality of the office action is respectfully requested.

Respectfully submitted,

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By: _____



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